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	Application No.	Applicant(s)
Notice of Allowability	09/682,770	SALOKA ET AL.
	Examiner	Art Unit
	Robert Hodge	1746
The MAILING DATE of this communication appears on the cover sheet with the correspondence address— All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.		
1. This communication is responsive to <u>1/25/05</u> .		
2. The allowed claim(s) is/are <u>3-7</u> .		
3. The drawings filed on 17 October 2001 are accepted by the Examiner.		
 4.		
1) hereto or 2) to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).		
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.		
Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/O Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. ☐ Interview Summary Paper No./Mail Da 08), 7. ☒ Examiner's Amendo	te

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Randy Tung on 2-3-05.

The application has been amended as follows:

Claims 8-20 which were previously withdrawn from consideration are now canceled.

Response to Amendment

2. The amendment after final rejection filed on 1/25/05 has been entered. In response to the applicant's remarks the examiner acknowledges the cancellation of rejected claims 1 and 2 and that claim 4 has been amended to now depend from the indicated allowable claim 3. The examiner also acknowledges that because claims 5-7 depend on claim 4, therefore they now depend from the indicated allowable claim 3. In light of these amendments the examiner withdraws the previous rejections related to claims 4-7 because of their previous dependency on rejected and now canceled claims 1 and 2.

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Allowable Subject Matter

3. Claims 3-7 are allowed.

4. The following is a statement of reasons for the indication of allowable subject

matter:

5. With respect to claim 3, the prior art of record apparently fails to contemplate a

system that relies on two heat exchangers, one for the incoming air to preheat the

hydrogen and a second to cool the incoming air. The prior art does allow for the

suggested inclusion of one or the other as previously stated in the withdrawn 35 U.S.C.

103(a) rejection (paper No. 20041115), but not both in the same system. Furthermore

the prior art that does disclose the use of two heat exchangers apparently relies on the

exhaust stream to preheat the fuel stream. And because claims 4-7 now depend from

claim 3, the same structural features exist and therefore the additional features recited

are no longer obvious to one of ordinary skill in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Hodge whose telephone number is (571) 272-2097. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RWH 2-2-05

MICHAEL BARR SUPERVISORY PATENT EXAMINER